

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (*i.e.*, Claims 31, 38-41 and 43-60) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recognized that the present invention pertains to a security authorization system that confines correct or proper operation of the functioning of an apparatus to the presence of an authorized user and, more particularly, disables the proper functioning of the apparatus when the apparatus is separated from the authorized user.

Specifically, the present invention, as now most broadly claimed, provides an authorization system for permitting an apparatus to be functional under the control of an operator to function normally only in the presence of an authorized user, which includes complementary parts of wireless communication means arranged to be carried in operation by the apparatus and an authorized user of the apparatus and operable to effect, with a spatial envelope defining a predetermined permissible working relationship between the authorized user and the apparatus, a communication link defined by continual transfer with reference to a temporal envelope of identifying information pairing the authorized user and the apparatus. The communication means is responsive to existence of the communication link to effect authorization of the apparatus thereby permitting normal functioning of the apparatus under the operator's control and for cessation of the com-

munication link for inhibiting normal functioning of the apparatus after a delay interval representative of an extended absence of the authorized user from the apparatus. The apparatus is a movable apparatus susceptible to being taken from possession of the authorized user, while functioning. The apparatus and the communication means includes means for measuring distance travelled with the communication means being operable for effecting the delay interval as a function of distance travelled by the apparatus and with the means for measuring distance comprising acceleration responsive means having pedometer means carried by the authorized user and the apparatus and responsive to movement of the apparatus for effecting determination of distance travelled by the apparatus, at least during the delay interval, with the pedometer means being operable for recognizing movement steps of a carrier of the apparatus and for computing from a number of recognized steps at least an approximate distance travelled by the apparatus.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and effective security authorization system, which operates to confine correct functioning of an apparatus to the presence of an authorized user and which is capable of disabling the functionality of the apparatus when separated from the authorized user following expiration of a pre-set delay interval, either disclosed or suggested.

By the present amendments, Applicant has canceled dependent Claims 32-34 and has incorporated the subject matter thereof into independent Claim 31, which Applicant submits is patentably distinguishable over the prior art, as explained hereinafter.

Applicant also recites in amended Claim 31 that the means for measuring distance

includes having pedometer means that are carried by the authorized user of the apparatus and the apparatus of concern itself and therefore the means for measuring distance is able to be responsive to movement of both the apparatus and the authorized user. In this way, both movement of the apparatus and the authorized user are considered in connection with establishing the approximate distance travelled by the apparatus, if separated from its authorized user.

As part of the first Office Action, the Examiner had rejected the subject matter of dependent Claim 34 as being indefinite, pursuant to 35 U.S.C. §112, second paragraph, on the ground that it was unclear as to how the distance travelled by the vehicle (for example, the vehicle being the “apparatus”) can be correlated with the number of steps taken by the user when the apparatus (or vehicle) is travelling away from the user. Inasmuch as both the apparatus and the authorized user have possession of pedometer means, as defined in Applicant’s disclosure and the currently amended claims, it is respectfully submitted that withdrawal of the Examiner’s 35 U.S.C. §112, second paragraph, indefiniteness rejection is appropriate.

As part of the instant claim amendments, Applicant has also canceled dependent Claims 35 and 42, thereby mooting the Examiner’s indefiniteness rejection of these claims under 35 U.S.C. §112, second paragraph. The claims have also been amended to correct various typographical errors and to ensure that all claim features have a proper antecedent basis in the claims.

Applicant has further amended the above-identified patent application to correct typographical and grammatical errors in Applicant's Specification (including Title of the Invention), as required by the Examiner, and to rewrite the Abstract to conform to U.S. practice.

The drawing figures have been amended, as previously discussed, to provide descriptive labels for the drawing figures, as required by the Examiner as part of the first Office Action.

Turning now, in detail, to an analysis of the Examiner's pertinent prior art rejection of Applicant's claims, inasmuch as the subject matter of prior dependent Claim 34 has been incorporated into amended independent Claim 31, Applicant respectfully submits that the obviousness rejection of Claim 34 presented in the first Office Action is now the relevant art rejection. More particularly, the Examiner rejected the subject matter of prior Claim 34 (now Claim 31) as being obvious, pursuant to 35 U.S.C. §103(a), over Winner, Jr. *et al.*, U.S. Patent No. 6,400,042, taken in view of Darley, U.S. Patent No. 6,611,789. It is the Examiner's contention that the primarily-applied reference of Winner *et al.* discloses an authorization system, as substantially claimed, which includes a movable apparatus capable of being carried by, and susceptible of being taken from the possession of, an authorized user. The Examiner has, however, acknowledged that Winner *et al.* does not expressly disclose the claimed acceleration responsive means as including pedometer means operable for recognizing movement steps of the carrier of the apparatus and to compute from a number of recognized steps the approximate

distance travelled by the apparatus. The Examiner has therefore concluded that it would have been obvious to have modified the apparatus of Winner *et al.* to include a pedometer as taught by Darley to arrive at that claimed by the instant Applicant.

In reply to the Examiner's 35 U.S.C. §103(a) obviousness rejection, which applies Winner *et al.*, taken in view of Darley, it is respectfully submitted that the primarily-applied citation of Winner *et al.* discloses an anti-theft device for motor vehicles in which, as is illustrated in FIG. 7, requires some form of physical action to initiate communication between chip and apparatus. There is no mention in Winner *et al.* of a rolling code or time window – or “delay interval” – being used for communication between the chip and apparatus in the anti-theft device thereof, in contrast to the presently-claimed invention, in which a “delay interval” is used for inhibiting normal functioning of the apparatus after a delay interval that is deemed representative of an extended absence of the authorized user from the apparatus.

The secondarily-applied citation of Darley discloses a simple pedometer which monitors locomotive activity of a user only while the user is walking or running. Darley, it is contended, does not appear to concern any type of security authorization apparatus and is not pertinent to calculating the distance between an authorized user (or pedestrian) and another apparatus, such as a vehicle, as now recited in Applicant's independent Claim 31. As such, modifying Winner *et al.*, taken in view of Darley, in the manner suggested, would still fail to yield the presently claimed invention, wherein a “delay interval” is used to inhibit normal functioning of the apparatus when not in the vicinity of

the authorized user and in which means are included for measuring distance which includes “acceleration responsive means having pedometer means carried by the authorized user and the apparatus and responsive to movement of the apparatus for effecting determination of distance travelled by the apparatus, . . . said pedometer means being operable for recognizing movement steps of a carrier of the apparatus and for computing from a number of recognized steps at least an approximate distance travelled by the apparatus.”

In light of the foregoing, it is respectfully contended that withdrawal of the Examiner’s 35 U.S.C. §103(a) obviousness rejection applying Winner *et al.*, taken in view of Darley, as now applicable to independent Claim 31, and as now amended, has been overcome and should be withdrawn.

Concerning, finally, the remaining references cited by the Examiner, but not applied in any rejection of Applicant’s claims, such additional references have been carefully considered, but are not deemed to adversely affect the patentability of the present invention, as now claimed.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application Claims 31, 38-41 and 43-60) recite a novel and effective security authorization system, which operates to confine correct functioning of an apparatus to the presence of an authorized user and which is capable of disabling the functionality of the apparatus when separated from the authorized user, which provides for a “delay interval” that is used to inhibit normal functioning of the apparatus when not

in the vicinity of the authorized user and which further includes acceleration responsive means having pedometer means carried by the authorized user and the apparatus and responsive to movement of the apparatus for effecting determination of distance travelled by the apparatus with the pedometer means being operable for recognizing movement steps of a carrier of the apparatus and for computing from a number of recognized steps at least an approximate distance travelled by the apparatus, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding rejection and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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The Commissioner for Patents is hereby authorized to charge the Deposit Account of Applicant's Attorney (*Account No. 19-0450*) for any fees or costs pertaining to the prosecution of the above-identified patent application, but which have not otherwise been provided for.